

The Kansas Department of Health and Environment



FACT SHEET MRP PROPERTIES COMPANY, LLC ARKANSAS CITY, KANSAS PERMIT RENEWAL September 28, 2012

This fact sheet, in accordance with the requirements of 40 CFR 124.8 and K.A.R. 28-31-124d, has been prepared for a final Resource Conservation and Recovery Act (RCRA) permit that the Kansas Department of Health and Environment (KDHE) and the U.S. Environmental Protection Agency (EPA) are issuing jointly to MRP Properties Company, LLC (MRP) as the owner and operator, of the facility located at 1400 South M Street, Arkansas City, Kansas. The facility, as defined for the purposes of this Permit, includes hazardous waste management units at the closed refinery which are subject to permitting under KDHE and EPA hazardous waste regulations. MRP has submitted RCRA Part A and Part B permit renewal applications for closure, post-closure care, and corrective action at the facility. Any treatment, storage, or disposal of hazardous waste not authorized in this Permit is strictly prohibited.

I. Facility Permit Overview

MRP Properties Company, LLC (MRP) operates a hazardous waste facility located on a 300-acre parcel of land in Arkansas City, Kansas in southern Cowley County. The facility, formerly known as Total Petroleum Refinery, obtained interim status as a hazardous waste treatment, storage, and disposal facility in November 1980 and was assigned EPA identification number KSD087418695. The waste treatment and disposal units consisted of the Land Treatment Unit (LTU), #1 Surface Impoundment, #2 Surface Impoundment, and #3A Aerated Lagoon. The #1 and #2 Surface Impoundments were closed in July 1988 and the #3A Aerated Lagoon was closed in February 1998. The refinery ceased operations in 1996. The Land Treatment Unit stopped accepting wastes in October 1997 and is currently undergoing closure. The refinery process units and tank farm were demolished and removed between 2002 and 2004. A portion of the facility is currently being used as an asphalt distribution terminal.

The original permit, issued on October 16, 1987, allowed the facility to operate an LTU for the disposal and treatment of hazardous and non-hazardous waste located on the refinery property. The refining process generated the following wastes: leaded tank bottoms, API separator sludge, heat exchanger bundle cleaning sludge, slop oil emulsion solids, cooling tower sludge, dissolved air flotation sludge, and solid waste that exhibited the characteristics of toxicity, reactivity, corrosivity, and ignitability. This permit required the facility to implement a groundwater monitoring program to detect the release of hazardous constituents from the LTU to groundwater. In addition, the permit implemented the corrective action requirements of the Hazardous and Solid Waste Amendments (HSWA) of 1984 under EPA Authority. The permit was renewed on October 24, 2001.

The permit being issued is for closure, post-closure care, and groundwater corrective action and monitoring of the hazardous waste disposal units. Although MRP is no longer conducting RCRA regulated activities at the facility, the area is still subject to RCRA closure requirements for past hazardous waste management and treatment. This permit does not authorize any treatment, storage, or disposal of hazardous waste that requires a RCRA permit. Additional information on the hazardous waste management activities at the facility can be found in the final permit and the administrative record.

II. Permitting Regulatory Authority

In October 1985, the State of Kansas received final authorization from the Environmental Protection Agency (EPA) to implement a hazardous waste management program in lieu of the federal program, except for those portions covered by the 1984 Hazardous and Solid Waste Amendments (HSWA). Authority for the corrective action portion of the RCRA program has not been delegated to the State of Kansas and is currently administered by the EPA.

The final permit sets forth in a concise document all of the applicable requirements that KDHE and EPA will require the Permittee to comply with during the 10-year duration of the permit. The final hazardous waste permit consists of two parts: Part I (KDHE) - hazardous waste management units, and Part II (EPA) - Hazardous and Solid Waste Amendments (HSWA) requirements. The agencies have made a determination that the final permits comply with the applicable state and federal regulations.

The KDHE portion of the final permit is being issued under authority of the Kansas Statutes Annotated (KSA) 65-3430 et seq. and the Kansas Administrative Regulation K.A.R. 28-31-4 through 28-31-279a. Part I includes standard permit conditions, general facility conditions, and regulatory provisions for closure, post-closure care and monitoring, and corrective action associated with the Land Treatment Unit, #1 Surface Impoundment, #2 Surface Impoundment, and #3A Aerated Lagoon.

The EPA portion of the draft permit is being issued under Section 3004(u) of RCRA, 42 U.S.C. §6924, and 40 CFR §264.101, which requires all Permits issued after November 8, 1984, to address corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility. Part II includes general conditions, Corrective Action requirements, and a facility submission summary.

Documents that support the permit conditions specified in Part I and Part II are part of the administrative record.

III. Summary of the RCRA Permitting Process

State and federal hazardous waste laws require that the public be given at least 45 days to review the administrative record for the draft permit (Part I and Part II) prior to the regulatory agencies taking a final action. The purpose of having a public comment period is to ensure that interested parties have the opportunity to evaluate the conditions specified in the final permit and to provide their input into the permit decision-making process. The public comment period for the draft Part I and Part II permits began on July 23, 2012 and ended on September 5, 2012. Notice of the public comment period, an availability session, and a public hearing were published in the *Arkansas City Traveler* and the *Kansas Register*. In addition, notice of the public comment

period was also broadcast on the local Kansas Public Radio station KMUW 89.1. The administrative record, which includes the final permit, permit application, responsiveness summary and other relevant correspondence, is available for public review at the following locations:

Kansas Department of Health and Environment
Hazardous Waste Permits Section
1000 SW Jackson Street, Suite 320
Topeka, Kansas 66612-1366
Contact: Mostafa Kamal
Tel: (785) 296-1609

Arkansas City Public Library
120 E 5th Street
Arkansas City, Kansas 67005
Contact: Reference Desk
(620) 442-1280

U.S. Environmental Protection Agency
Region 7 AWMD/WRAP
901 North 5th Street
Kansas City, Kansas 66101
Contact: Bradley Roberts
Tel: (913) 551- 7279

The administrative record can also be accessed on the KDHE website at:
www.kdheks.gov/waste/p_pubnot_hw.html

An availability session and a public hearing were held in conjunction with the public comment period on August 29, 2012 in the Earle N. Wright Community Room, Cowley County Community College, 215 South 2nd Street, Arkansas City, Kansas. The availability session was held from 3 p.m. to 5 p.m. to allow an opportunity for the public to interact with representatives from EPA, KDHE, and MRP about questions regarding the permit renewal. The public hearing began at 7 p.m. for anyone interested in providing oral or written comments on the draft permit or Part B Application. No members of the general public attended either the availability session or the public hearing. KDHE and EPA received written comments from MRP in reference to both Part I and Part II permits. No written comments were received from the general public.

IV. Procedures for Reaching a Final Decision

The Secretary of KDHE and the EPA Region 7 Director of the Air and Waste Management Division (AWMD) have considered all comments received during the public comment period, have made revisions to the draft permit, and have reached a final decision to renew the joint permit. As a result of revisions being made to the draft permit, the Part I permit will become effective thirty (30) days after service of notice of the final decision in accordance with 40 CFR 124.15(b) and the Part II permit will become effective thirty-three (33) days after service of notice of the final decision in accordance with 40 CFR 124.20(d), to allow for public review of the revisions.

Notice will be given to the applicant, all persons who submitted written comments, and those who requested notice of the final permit decision. Appeals of the final permit decision for the Part I permit must be filed within 15 days after service of notice in accordance with K.S.A 65-3440 and K.S.A. 77-601 *et.seq.*

Appeals of permit conditions contained in Part I of the permit must be filed with the Secretary of the Kansas Department of Health and Environment, at the following location:

Robert Moser, M.D., Secretary
Kansas Department of Health and Environment
1000 SW Jackson, Suite 540
Topeka, Kansas 66612-1368

Since comments were filed, any commenter may petition the Environmental Appeals Board (EAB), pursuant to Title 40 CFR §124.19(a), to review any condition of the Part II Permit decision to the extent of their comments made during the comment period. Any person who failed to file comments may petition for administrative review only to the extent of the changes from the draft to the final Part II Permit. All petitions for review must be received by the EAB no later than thirty-three (33) days from the date of this notice.

Any petition for review shall include a statement of the reasons supporting the review, including a demonstration that any issues being raised during the public comment period were raised to the extent required by Title 40 CFR §124.19 and when appropriate, a showing that the condition in question is based on: (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review. Please see the web site at <http://www.epa.gov/eab> for Frequently Asked Questions (FAQ) and additional information regarding the EAB.

Information on how to electronically file documents may be obtained on the EAB's web site, under the heading "Electronic Filing."

The EAB may be reached by telephone at (202) 233-0122.

Submissions that are sent through the U.S. Postal Service (except by Express Mail) must be addressed to the following EAB mailing address with sufficient time allowed for delivery so that they are received by the EAB no later than thirty-three (33) days from the date of this notice:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Submissions that are hand-carried, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service commercial delivery service must be delivered to the following address:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Ronald Reagan Building, EPA Mail Room
1300 Pennsylvania Avenue, N.W.
Washington, DC 20004

V. Permit Organization

The permit is organized in the following manner:

| Part I (KDHE) | Description |
|--|--|
| Cover Sheet | Sets forth basic legal authority. |
| Section I Standard Permit Conditions | General permit conditions which are the regulatory requirements specified in 40 CFR 270. |
| Section II General Facility Conditions | General facility permit conditions which are the regulatory requirements specified in 40 CFR 264. |
| Section III Closure and Post-Closure Care | Specific operating conditions, limitations, and requirements which implement the regulatory requirements of 40 CFR 264 Subpart G (Closure and Post-Closure Care and Subpart M (Land Treatment Units)). |
| Section IV Groundwater Corrective Action | Specific operating conditions, limitations, procedures, and requirements which implement the regulatory requirements of 40 CFR 264, Subpart F. |
| Section V Groundwater Compliance Monitoring | Specific operating conditions, limitations, procedures, and requirements which implement the regulatory requirements of 40 CFR 264 Subpart F |
| Part II (EPA) | Description |
| Hazardous and Solid Waste Amendments (HSWA) Permit | Specific conditions requiring evaluation of releases of hazardous waste and hazardous constituents from solid waste management units, areas of concern and releases, and corrective action as appropriate. |